

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Fredy Rene Palma-Espinal,

Civil No. 08-5896 (DWF/JSM)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

D.O.C. Joan Fabian and
The Washington County D.A.,

Defendants.

Fredy Rene Palma-Espinal, *Pro Se*, Plaintiff.

This matter is before the Court upon Plaintiff Fredy Rene Palma-Espinal’s (“Plaintiff”) objections to Magistrate Judge Janie S. Mayeron’s Report and Recommendation dated November 13, 2008, recommending that: (1) Plaintiff’s “Application to proceed Without Prepayment of Fees” be denied; (2) Plaintiff’s “motion to file informal complaint,” Plaintiff’s “motion for leave to file a federal complaint under 42 U.S.C. § 1983,” and Plaintiff’s “motion asking this Court to make copies,” be denied as moot; (3) this action be summarily dismissed pursuant to 28 U.S.C. § 1915A(b)(1); (4) Plaintiff be required to pay the unpaid balance of the Court filing fee, namely the full \$350.00, in accordance with 28 U.S.C. § 1915(b)(2); and (5) for purposes of 28 U.S.C. § 1915(g), this action be dismissed “on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted.

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Plaintiff's objections.

Based upon the *de novo* review of the record and all of the arguments and submissions of the parties and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Plaintiff Fredy Rene Palma-Espinal's objections (Doc. No. 9) to Magistrate Judge Janie S. Mayeron's Report and Recommendation dated November 13, 2008, are **DENIED**.

2. Magistrate Judge Janie S. Mayeron's Report and Recommendation dated November 13, 2008 (Doc. No. 8), is **ADOPTED**.

3. Plaintiff's "Application to Proceed Without Prepayment of Fees," (Doc. No. 2), is **DENIED**.

4. Plaintiff's "motion to file informal complaint," (Doc. No. 3), Plaintiff's "motion for leave to file a federal complaint under 42 U.S.C. § 1983," (Doc. No. 5), and Plaintiff's "motion asking this Court to make copies," (Doc. No. 7), are **DENIED AS MOOT**.

5. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C.

§ 1915A(b)(1).

6. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely the full \$350.00, in accordance with 28 U.S.C. § 1915(b)(2).

7. For purposes of 28 U.S.C. § 1915(g), this action is dismissed “on the grounds that it is frivolous, malicious, or fails to state a claim on which relief may be granted.”

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 20, 2009

s/Donovan W. Frank
DONOVAN W. FRANK
Judge of United States District Court